

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Gaston, et al. v. The Islamic Republic of Iran</i>	18-cv-12337 (GBD)(SN) ECF Case

**MOTION FOR ENTRY OF PARTIAL FINAL DEFAULT JUDGMENT AGAINST  
THE ISLAMIC REPUBLIC OF IRAN ON BEHALF OF GASTON PLAINTIFFS**

PLEASE TAKE NOTICE that upon the accompanying declaration of Robert Keith Morgan, with exhibits, and the accompanying memorandum of law, and in accordance with this Court's November 14, 2023 Order setting forth such information as is required by the Court to adjudicate this motion (*See* ECF No. 9425), the Plaintiffs identified in Exhibit A (*Gaston* Plaintiffs) to the declaration of Robert Keith Morgan, respectfully move this Court for an Order of judgment by default against the Defendant, Islamic Republic of Iran ("Iran"), under 28 U.S.C. § 1605A(c).<sup>1</sup> *Gaston* Plaintiffs herein are seeking pain and suffering damages in accordance with this Court's established framework, prior orders, and based on those awarded in prior judgments entered by this Court in this litigation to those who sustained injuries on September 11, 2001 ( *See, e.g.*, August 9, 2023 Mem. Decision and Order (ECF No. 9274), *citing*, Feb. 7, 2020 R. & R., (ECF No. 5879), *adopted by*, Feb. 14, 2020 Mem. Decision and Order, (ECF No. 5946)).

The *Gaston* Plaintiffs herein, Mark Bernheimer, David Blacksberg, Carlos Fraga, Christopher Kelly, Marianne Kelly, Basilio Stewart, James Toledo, Thomas Vairo, Joseph Viscuso, and Tracy Young each suffered injuries in the terrorist attacks on the World Trade Center on September 11, 2001 and its immediate aftermath, and move for entry of a judgment for pain and suffering damages.

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<sup>1</sup> All ECF Nos. refer to the main MDL docket, 03-md-01570, unless otherwise indicated.

Further, *Gaston* Plaintiffs move that any pain and suffering damages awarded herein include pre-judgment interest at rate of 4.96 percent per annum, compounded annually from the period from September 11, 2001, until the date of the judgment. *Gaston* Plaintiffs also move for permission to seek punitive damages, economic damages, or other damages in the future and for all other *Gaston* Plaintiffs not appearing on Exhibit A, to submit applications for damages awards in later stages of this litigation, to the extent such awards have not been previously addressed by the Court.

Dated: July 31, 2025

Respectfully submitted,

/s/ Robert Keith Morgan  
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